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IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

LARRYIE EARL JONES,
PETITIONER,

V.
GWENDOLYN MOSLEY, et al,
RESPONDENTS.

2006 SEP 27 A 10: 23
CIVIL ACTION No. 2006-CV-821-
MHT

MOTION TO AMEND FOR RELEASE PENDING NOTICE
OF APPEAL, AND A DE NOVO REVIEW OF
CONDITIONS FOR RELEASE

COMES NOW THE PETITIONER LARRYIE EARL JONES, PRO, SE, MOVES
THE HONORABLE COURT FOR A RELEASE PENDING NOTICE OF APPEAL
UNDER THE TERMS OF 18 U.S.C 3148, OR UNDER THE TERMS
OF ACCORDANCE WITH THE PROVISIONS OF RULE 9 (B) OF THE RULES
OF APPELLATE PROCEDURE, AND AS THEREFORE STATES THE FOLLO-
WING GROUNDS;

1. THE PETITIONER HAS BEEN INCARCERATION SINCE JULY 14, 2004 AT
THE COVINGTON COUNTY JAIL, AND IN STATE PRISON SINCE AUG
10, 2006 AND SINCE HIS LONG INCARCERATION HIS FAMILY
HAS BECAME HOMELESS THEY NEED PETITIONER SUPPORT, THEY
PRAY FOR HIS RELEASE PENDING NOTICE OF APPEAL.
2. PETITIONER IS CHARGE WITH AN OFFENSES PUNISHABLE NOT
BY DEATH, AND HE WILL NOT FLEE OR POSE A DANGER TO
ANY OTHER PERSON OR TO THE COMMUNITY IF THE COURT

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GRANT HIM A RELEASE PENDING APPEAL, THE APPEAL IS NOT FRIVOLOUS, AND NOT TAKEN FOR DELAY.

3. IN THIS PETITION, THE PETITIONER HAS DEMONSTRATED THAT HE HAS SUFFICIENT LEGAL MERIT TO CREATE GENUINE CONCERN THAT HE WOULD BE STILL WRONGFULLY HELD IN CUSTODY PENDING APPEAL.
4. THE APPELLATE COUNSEL HAS NOT YET COMMUNICATE WITH PETITIONER, AND TO DEAL WITH THIS SITUATION THIS RULE MAKES CLEAR THAT THIS DISTRICT COURT HAS AUTHORITY TO RELEASE UNDER THE TERMS OF 18 U.S.C 3148 PENDING APPEAL AFTER THE FILING OF NOTICE OF APPEAL A RELEASE BY THE DISTRICT COURT SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF RULE 9(B) OF THE RULES OF APPELLATE PROCEDURE, PETITIONER NEEDS AN OPPORTUNITY TO OBTAINED A COUNSEL ON APPEAL, AND TO SUPPORT HIS FAMILY.

WHEREFORE THE PETITIONER PRAYS THAT THIS HONORABLE COURT WILL GRANT HIS AMEND AND ORDERED AN IMMEDIATELY RELEASE PENDING APPEAL UNDER THE TERMS OF 18 U.S.C 3148, OR RULE 9(B), OR ANY OTHER RELIEF TO WHICH PETITIONER MAY BE ENTITLED.

RESPECTFULLY SUBMITTED THIS THE 21 DAY OF
SEPT, 2006.
Samir E. [Signature]
SIGNATURE OF PETITIONER

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I DECLARE UNDER PENALTY OF PERJURY THAT THE
FOREGOING PLEADING MOTION IS TRUE AND CORRECT.
9-21-06 Sanyia Earl Jones
DATE SIGNATURE OF PETITIONER

CERTIFICATE OF SERVICE
I CERTIFY THAT A TRUE COPY OF THE FOREGOING
PLEADING MOTION, HAS BEEN SERVED UPON THE
ATTORNEY GENERAL OF THE UNITED STATES,
BY MAILING THE SAME BY UNITED STATES
FIRST CLASS MAIL PERSONAL SERVICE ON THE
21 DAY OF SEPT 2006, Sanyia Earl Jones
SIGNATURE OF PETITIONER